UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA '08 MJ 2001

FILED

CLERK US DISTRICT COURT

UNITED STATES OF AMERICA, Plaintiff, v. **Sharon Jean ALLMON (D1)** **AKA: Karina ONTIVEROS-Perez** and **Urbano GARCIA-Cruz (D2)** Defendants.	Magistrate Case No. COMPLAINT FOR VIOLATION OF Title 8, U.S.C., Section 1324(a)(2)(B)(iii)- Bringing in Illegal Aliens Without Presentation Title 18, U.S.C., Section 1544- Misuse of Passport Title 8, U.S.C., Section 1326- Attempted Entry After Deportation

The undersigned complainant being duly sworn states:

Count I

On or about **June 30, 2008**, within the Southern District of California, defendant **Sharon Jean ALLMON AKA: Karina ONTIVEROS-Perez**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Urbano GARCIA-Cruz, Rodolfo SOLANO-Serapio and Leopoldo CASTANEDA-Acosta**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens, and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

Count II

On or about **June 30, 2008**, within the Southern District of California, defendant **Sharon Jean ALLMON AKA: Karina ONTIVEROS-Perez**, did knowingly and willfully use a Passport issued or designed for the use of another, with the intent to gain admission into the United States in the following manner, to wit: Defendant applied for entry to the United States by presenting U.S. Passport number **500623828**, issued to Lesa Lynn Rojas, to a Department of Homeland Security, Customs and Border Protection Officer, knowing full well that she was not Lesa Lynn Rojas, that the passport was not issued or designed for her use; all in violation of Title 18, United States Code, Section 1544.

(CONTINUED on page 2)

SLF

CONTINUATION OF COMPLAINT
RE: Sharon Jean ALLMON AKA: Karina ONTIVEROS-Perez et al.

Count III

On or about **June 30, 2008**, within the Southern District of California, defendant **Urbano GARCIA-Cruz (D2)**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **San Ysidro Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **1st** DAY OF **JULY, 2008.**

UNITED STATES MAGISTRATE JUDGE

SLF

PROBABLE CAUSE STATEMENT

BLM

The complainant states that ~~Urbano GARCIA-Cruz~~, **Rodolfo SOLANO-Serapio and Leopoldo CASTANEDA-Acosta** are citizens of a country other than the United States; that said aliens have admitted they are deportable; that their testimony is material; that it is impracticable to secure their attendance at trial by subpoena; and that they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144. **Urbano GARCIA-Cruz** is also being charged with violation of Title 8, United States Code, Section 1326.

On June 30, 2008 at approximately 0034 hours, **Shanon Jean ALLMON AKA: Karina ONTIVEROS-Perez (D1)** made application for admission into the United States from Mexico at the San Ysidro, California Port of entry via the vehicle primary lanes. D1 was the driver and sole visible occupant of a stolen blue GMC Yukon. Upon inspection before a Customs and Border Protection (CBP) Officer, D1 presented an altered United States passport bearing her photo with the name Lesa Lynn Rojas. D1 gave a negative Customs declaration and stated she was en route to Chula Vista, California. The CBP Officer received an automated computer generated referral and informed D1 she would be escorted to secondary for further inspection. The CBP Officer specifically instructed D1 not to drive fast and maintain her speed while being escorted into secondary. D1 ignored the CBP Officer's instructions, drove away from the CBP Officer and attempted to exit the port of entry. CBP Officers and were able to stop the vehicle and apprehend D1 prior to her fleeing the port. D1 was removed from the vehicle and escorted on foot to secondary. An inspection of the vehicle revealed five individuals concealed within the rear cargo area of the vehicle. The vehicle and its occupants were also escorted to secondary for further inspection.

In secondary, CBP Officers removed five individuals from the rear cargo area of the vehicle. The five concealed persons were determined to be citizens of Mexico without legal documentation to enter the United States. Three of the five individuals were retained as material witnesses and are now identified as: **Urbano GARCIA-Cruz (~~MW1/~~D2), Rodolfo SOLANO-Serapio (MW2), and Leopoldo CASTANEDA-Acosta (MW3).** BLM

Further inspection confirmed the United States passport presented by D1 was altered. The biographical page was substituted with a picture of D1 while the passport number and biographical information matched to official records. Official records revealed a different image issued to the passport other than D1.

Also while in secondary, D2 was queried by ten-digit fingerprint submission through the Integrated Automated Fingerprint Identification System (IAFIS). IAFIS resulted in a positive match to the query, confirming D2's identity and linking him to Immigration and FBI records. Immigration service records, including the Deportable Alien Control System (DACS) identify D2 as a citizen of Mexico without entitlements to enter the United States. DACS records reveal D2 was ordered deported by an Immigration Judge on or about February 25, 2004 and subsequently removed from the United States through San Ysidro, California on March 3, 2004. DACS indicates D2 was last physically removed from the United States to Mexico on or about June 21, 2008. Immigration Service records contain no evidence that D2 has applied for or received permission from the Attorney General of the United States, or his designated successor, the Secretary of the Department of Homeland Security to legally re-enter the United States.

On separate videotaped interviews, Material Witnesses declared they are citizens of Mexico without legal rights or entitlements to enter the United States. Material Witnesses stated they were going to pay between $2,500 and $3,000 USD to be smuggled into the United States. Material Witnesses stated they were going to California to seek employment. ~~MW1/~~D2 stated he observed a female driver enter the vehicle when they were close to the border.